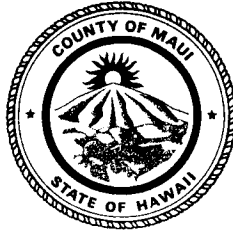


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

RECEIVED
2017 FEB 24 PM 11:19
OFFICE OF THE
CORPORATION COUNSEL

MEMO TO: Riki Hokama, Chair
Budget and Finance Committee

FROM: Jeffrey Ueoka, Deputy Corporation Counsel *JU*

DATE: February 24, 2017

SUBJECT: **AMENDING FISCAL YEAR 2017 BUDGET: EMERGENCY FUND** (BF-105)

We are in receipt of your memorandum dated February 21, 2017, requesting a response regarding whether there would be any liability issues for the County if material it provided was used by private landowners to perform unpermitted repairs within and around their property. Without specific details outlining what transpired, we are unable to advise, however we will attempt to respond in a general manner. As this was addressing an emergency situation, the first matter that our office would address is whether the "unpermitted repairs" were allowable at the time they were commenced. We would then look into what, if any, agreements were entered into with the private landowners when the materials were provided. Typically, one who provides materials would not be liable for how those materials are used, however whether any representations or assurances, verbal or written, regarding the use of the materials were given when the materials were provided, would need to be reviewed. Without these details we are unable to advise on this matter, furthermore during our review of the relevant materials we may discover different issues that would need to be addressed.

While this response does not provide a specific answer to your question we hope that it does adequately outline the process we would go through in providing advice regarding this matter.

Riki Hokama, Chair
Budget and Finance Committee
February 24, 2017
Page 2

If you have any questions please feel free to contact our office.

APPROVED FOR TRANSMITTAL:



A handwritten signature in black ink, appearing to read 'Patrick K. Wong', is written over a horizontal line. The signature is stylized and cursive.

PATRICK K. WONG
Corporation Counsel

2017-0093

BF-105 2017-02-24 Memo to Chair